

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0013716 of Dunham et al. ("Dunham") in view of U.S. Patent No. 6,042,005 to Basile et al. ("Basile") in view of U.S. Patent No. 6,335,688 to Sweatte ("Sweatte") in view of U.S. Patent Application Publication No. 2003/0037063 of Schwartz ("Schwartz").

By this Reply, Applicants have amended claims 1 and 13, taking care not to add any new matter. Support for the amendments can be found in the specification, for example, at page 7, line 18 - page 8, line 4; page 33, line 24 - page 34, line 20; and FIGS. 22-24. Claims 1-24 remain pending, with claims 1 and 13 being independent. Based on the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and withdrawal of the rejections.

I. **The § 103 Rejection of Claims 1-24 Based on Dunham, Basile, Sweatte, and Schwartz**

Applicants respectfully traverse the § 103(a) rejection of claims 1-24 over Dunham in view of Basile in view of Sweatte in view of Schwartz. A *prima facie* case of obviousness has not been established with respect to claims 1-24 as amended.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

statements." M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. § 2143.01(III). "All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03. "In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I) (emphases in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Independent claim 1, as amended, recites "[a] method of monitoring welfare of a child in a welfare system using a case identification card and a computer system configured to track events occurring in the life of the child and interface with a plurality of stakeholders." The method of claim 1 includes, *inter alia*, "integrating the child update information, the location information, and the welfare benefit payment information in the computer system such that the computer system provides a

centralized system for the plurality of stakeholders to monitor physical welfare and financial welfare of the child," "monitoring physical welfare and financial welfare of the plurality of children in the welfare system simultaneously," and "facilitating securing additional funding for the plurality of children in the welfare system." The recited subject matter is neither disclosed nor fairly suggested by Dunham, Basile, Sweatte, and Schwartz, taken separately or in combination.

Dunham discloses "methods and systems that manage the provision of care by driving care providers to follow the wraparound process in the provision of care." Dunham, Abstract. "The overriding principle of the wraparound process is to prevent the placement of an individual (i.e., client) that is in need of care into a long-term institutional setting. The wraparound philosophy involves the people closest to the individual and the care providers in the local community in the plan of care of the individual." Dunham, ¶ 0043. "At [an] initial team meeting [among the people closest to the individual and the care providers], a plan of care is formulated by the team members." Dunham, ¶ 0012. "The team meets regularly **to make sure the plan of care is working** or to adjust the plan as needed. **The monitoring of the plan of care is an important aspect** of the wraparound process **to ensure the process is moving forward in an efficient manner.**" Dunham, ¶ 0013. (Emphasis added.) The systems of Dunham "concentrate best resources available into assuring the most effective outcomes for clients in need of care." Dunham, ¶ 0022. Therefore, rather than "monitoring welfare of a child in a welfare system," the system of Dunham monitors a plan of care and makes sure the plan is working. Dunham, ¶ 0013.

In addition, Dunham fails to teach or suggest "integrating the child update information, the location information, and the welfare benefit payment information in the computer system such that the computer system provides a centralized system for the plurality of stakeholders to monitor physical welfare and financial welfare of the child," as recited in amended independent claim 1. The Examiner asserted that "by ensuring fiscal responsibility in the provision of individualized care, the financial welfare of the client is monitored in that the accounting procedures are tracked to ensure that a client will continue to receive services and obtain the reimbursements associated with the services." Office Action at 3 (citations omitted). The Examiner further asserted that "the financial welfare is monitored by requiring authorization of a provider to perform a service." Id. (Citation omitted.) This is incorrect.

As explained above, the system of Dunham monitors a plan of care and makes sure the plan is working. Dunham, ¶ 0013. In order to make the plan of care work financially, the system of Dunham generates bills, invoices, and other financial documents so that a participating organization can get reimbursed or paid for services that it provides and makes payments to caregivers for the services that the caregivers provide. Dunham, ¶¶ 0093-94, 96-97. Within these activities, the system of Dunham ensures fiscal responsibility by limiting payments only to care that has been authorized. Dunham, ¶¶ 0084, 94. Thus, rather than "monitor[ing] . . . financial welfare of the child," the system of Dunham merely facilitates financial functions of the plan of care. Dunham, ¶ 0045.

Dunham also fails to teach or suggest "monitoring physical welfare and financial welfare of the plurality of children in the welfare system simultaneously," as recited in amended independent claim 1. Dunham is directed to providing *individualized care* in a wraparound process. Dunham, Abstract, ¶¶ 0003, 43. Even if Dunham discloses providing individualized care for one or more individuals, nowhere does Dunham even suggest "monitoring physical welfare and financial welfare of the plurality of [individuals] simultaneously," as recited in amended independent claim 1.

Dunham further fails to teach or suggest "facilitating securing additional funding for the plurality of children in the welfare system," as recited in amended independent claim 1. Although Dunham may disclose reimbursement, it has nothing to do with "securing additional funding for the plurality of children in the welfare system."

The Examiner relies on Basile, Sweatte, and Schwartz to cure the deficiencies of Dunham. Basile, Sweatte, and/or Schwartz, however, fail to teach or suggest the recited subject matter of amended independent claim 1, as discussed below.

Basile is directed to "[a] personal identification system for children that includes two forms of identification." Basile, Abstract. Basile has nothing to do with "monitoring welfare of a child in a welfare system using a case identification card and a computer system configured to track events occurring in the life of the child and interface with a plurality of stakeholders." In addition, Basile teaches or suggests neither "integrating the child update information, the location information, and the welfare benefit payment information in the computer system such that the computer system provides a centralized system for the plurality of stakeholders to monitor physical welfare and

financial welfare of the child" nor "monitoring physical welfare and financial welfare of the plurality of children in the welfare system simultaneously" nor "facilitating securing additional funding for the plurality of children in the welfare system," as recited in amended independent claim 1.

Sweatte is directed to a "method and system for airport or other building security." Sweatte, Abstract. Sweatte has nothing to do with "monitoring welfare of a child in a welfare system using a case identification card and a computer system configured to track events occurring in the life of the child and interface with a plurality of stakeholders." In addition, Sweatte teaches or suggests neither "integrating the child update information, the location information, and the welfare benefit payment information in the computer system such that the computer system provides a centralized system for the plurality of stakeholders to monitor physical welfare and financial welfare of the child" nor "monitoring physical welfare and financial welfare of the plurality of children in the welfare system simultaneously" nor "facilitating securing additional funding for the plurality of children in the welfare system," as recited in amended independent claim 1.

Schwartz is directed to "communicating, computing, monitoring and managing risk levels for individuals in high-risk environments." Schwartz, ¶ 0001. Schwartz has nothing to do with "monitoring welfare of a child in a welfare system using a case identification card and a computer system configured to track events occurring in the life of the child and interface with a plurality of stakeholders." In addition, Schwartz teaches or suggests neither "integrating the child update information, the location information,

and the welfare benefit payment information in the computer system such that the computer system provides a centralized system for the plurality of stakeholders to monitor physical welfare and financial welfare of the child” nor “monitoring physical welfare and financial welfare of the plurality of children in the welfare system simultaneously” nor “facilitating securing additional funding for the plurality of children in the welfare system,” as recited in amended independent claim 1.

The Examiner asserted that Schwartz discloses “[t]he case docket list [which] is the combination of update information for a plurality of children that is monitored simultaneously.” Office Action at 5. Even if the Examiner’s assertion were true, which Applicants dispute, Schwartz does not teach or suggest “monitoring *physical welfare and financial welfare* of the plurality of children in the welfare system simultaneously,” as recited in independent claim 1 (emphasis added).

In addition, the Examiner mischaracterized the step of “monitoring” to disregard the step recited in the claim. Id. The Examiner asserted that “these differences are only found in the **nonfunctional descriptive data** and are not functionally involved in the steps recited.” Id. (Emphasis in original.) The Examiner further asserted that “[t]he **simultaneous monitoring of a plurality of children would be performed regardless of the type of data monitored.**” Id. (Emphasis in original.) Applicants do not see how the recited step of “monitoring physical welfare and financial welfare of the plurality of children in the welfare system simultaneously” is nonfunctional descriptive data and is not functionally involved when the step does not recite any description of data. In order

to advance prosecution and clarify any possible confusion, Applicants, however, have amended independent claim 1.

In view of the above-noted deficiencies of the Dunham, Basile, Sweatte, and Schwartz references, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the invention of claim 1. Also in view of those deficiencies, no combination of the applied references can possibly yield the invention of claim 1, nor could the invention of claim 1 have been predictable from the applied references. Further in view of those deficiencies, there would have been no motivation for one of ordinary skill in the art to modify the teachings of the references to achieve the claimed combinations. Thus, the Office Action has failed to clearly articulate a reason why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1 and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

Amended independent claim 13, although of a different scope, recites features that are similar to the features discussed above with respect to amended independent claim 1. For reasons similar to the reasons set forth above with respect to amended independent claim 1, Dunham, Basile, Sweatte, and Schwartz fail to support the § 103(a) rejection of amended independent claim 13.

Claims 2-12 and 14-24 depend from amended independent claims 1 and 13, respectively. Because any claim that depends from a nonobvious claim is also nonobvious, Applicants request the withdrawal of the § 103 rejection of claims 2-12 and



14-24 at least by virtue of their dependence from claims 1 or 13, as well as by virtue of their recitation of additional features not taught or suggested by the cited references.

II. **Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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